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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,199	12/15/2000	Daniel C. Castle	10002991-1	1135

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER	
YOUNG, JOHN L	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/738,199	Applicant(s) Castle et al.
	Examiner John Young	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 15, 2000*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-37* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *4 & 6*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

12-20-03

FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §112, ¶ 2

2. Claims 23 & 34 contains the trademark/trade name "Instant Delivery™. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. §112, ¶ 2. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The above mentioned claims are rejected as being indefinite, because the claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product and, accordingly, the identifications/descriptions are indefinite.

CLAIM REJECTIONS — 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. Claims 13-18, 20, 22 & 24-26, 28-29, 31, 33 & 35 are rejected under 35 U.S.C. 101, because the claims are directed to non-statutory subject matter.

As per independent claims 13 & 27, as drafted said claims are not limited by language to a useful, concrete and tangible application within the technological arts. Claims 13 & 27 suffer from undue-breadth.

It is well settled in the law that "Undue breadth of the claim may be addressed under different statutory provisions, depending on the reasons for concluding that the claim is too broad. If the claim is too broad because it does not set forth that which applicants regard as their invention. . . . a rejection under 35 U.S.C. 112, second paragraph would be appropriate. . . . If the claim is too broad because it reads on the prior art, a rejection under either 35 U.S.C. 102 or 103 would be appropriate." (See MPEP 2173.04 Breadth Is Not Indefiniteness (August 2001) p. 2100-195).

Furthermore, it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d

1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

Also, it is well settled in the law that "A process that merely manipulates an abstract idea . . . is nonstatutory despite the fact that it might inherently have some usefulness. See Alappat, 33, F.3d at 1543, 31 USPQ2d at 1556-57 (quoting Diamond v. Diehr, 450 U.S. at 192, 209 USPQ at 10). In this case, claim 1 is drafted so broadly that it is merely a method of (1) "posting a note at a content provider. . . ." as drafted, there is no exclusion of a claim of a person physically passing a post-it note along to another person who provides some kind of content; i.e., nothing in the claim suggests that any application of technology is required in "posting a note at a content provider. . . ."

Claims 14-18, 20, 22 & 24-26, 28-29, 31, 33 & 35 are rejected for substantially the same reason as claim 13, because said claims depend from claims 13 & 27 and/or subsequent base claims which depend from claims 13 & 27.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-37 are rejected under 35 U.S.C. §103(a) as being obvious over Dedrick US 5,724,521 (03/03/1998) (herein referred to as "Dedrick").

As per claim 1, Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows: "A method of placing advertising in an on-line publication comprising the steps of: obtaining a first offer to place a first advertisement in said on-line publication . . . identifying at least one subscriber to which said on-line

publication, with said advertisement corresponding to the greatest offer, is to be sent according to demographic data for said subscriber; placing in said on-line publication, the advertisement corresponding to the greatest offer."

Dedrick (col. 13, ll. 53-63; and col. 13, ll. 5-52) discloses: *"a credit model which credits the end user's account each time the user views a unit of information."*

Dedrick (col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: *"The apparatus then charges a fee to the advertiser, based on the comparison by the matching process."*

Dedrick lacks an explicit recitation of the "obtaining a second offer to place a second advertisement in said on-line publication. . . ." even though Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention to that the disclosure of Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) would have been selected in accordance with "obtaining a second offer to place a second advertisement in said on-line publication. . . ." because such selection would have provided broad means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)) and would have provided *"A method and apparatus for providing electronic advertisements to end users in consumer best-fit pricing manner. . . ."* (see Dedrick (col. 1, ll. 63-65)).

As per claims 2-9, Dedrick shows the method of claim 1.

Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 14, ll. 1-13; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows elements that suggest the elements and limitations of claims 2-9.

Dedrick lacks an explicit recitation of some of the elements and limitations of claims 2-9 even though Dedrick suggests same.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 2-9 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)).

As per claim 10, Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-

67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows: "A method of distributing an on-line publication having advertising space into which advertising material is to be placed, said method comprised of the steps of . . . distributing said publication via a data network to at least one predetermined subscriber."

Dedrick lacks an explicit recitation of the "receiving a publication into which advertising material has been placed for publication using a predetermined methodology. . . ." obtaining a second offer to place a second advertisement in said on-line publication. . . ." even though Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention to that the disclosure of Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll.

7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) would have been selected in accordance with "receiving a publication into which advertising material has been placed for publication using a predetermined methodology. . . ." (see Dedrick (col. 1, ll. 50-57)) and would have provided *"A method and apparatus for providing electronic advertisements to end users. . . ."* (see Dedrick (col. 1, ll. 63-65)).

As per claims 11-12, Dedrick shows the method of claim 10.

Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 14, ll. 1-13; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows elements that suggest the elements and limitations of claims 11-12.

Dedrick lacks an explicit recitation of some of the elements and limitations of claims 11-12 even though Dedrick suggests same.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 11-12 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)).

As per claim 13, Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows: "A method of placing advertising from a plurality of advertisers in a publication to be delivered to predetermined subscribers of said publication , said method comprising: identifying, for at least one predetermined subscriber to said publication, first and second advertisements from first and second prospective advertisers that comports with subscriber profile information stored in at least

one data file; obtaining a first offering price to place said first advertisement in said publication . . . placing in said publication, at least one of said first and second advertisements, for the corresponding prospective advertiser that offers the greater price of said first and second prices."

Dedrick (col. 13, ll. 53-63; and col. 13, ll. 5-52) discloses: *"a credit model which credits the end user's account each time the user views a unit of information."*

Dedrick (col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: *"The apparatus then charges a fee to the advertiser, based on the comparison by the matching process."*

Dedrick lacks an explicit recitation of the "obtaining a second offering price to place said second advertisement in said publication. . . ." even though Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention to that the disclosure of Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) would have been selected in accordance with "obtaining a second offering price to place said second advertisement in said publication. . . ." because such selection would have provided broad means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)) and would have provided *"A method and apparatus for providing electronic advertisements to end users in consumer best-fit pricing manner. . . ."* (see Dedrick (col. 1, ll. 63-65)).

As per claims 14-26, Dedrick shows the method of claim 13.

Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 14, ll. 1-13; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows elements that suggest the elements and limitations of claims 14-26.

Dedrick lacks an explicit recitation of some of the elements and limitations of claims 14-26 even though Dedrick suggests same.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 14-26 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)).

As per claim 27, Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 14, ll. 1-67; col. 13, ll. 1-67; col. 1, ll. 7-67;

col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows: "A method of placing advertising from a plurality of advertisers in a publication to be delivered to predetermined subscribers of said publication , said method comprising: providing to at least one prospective advertiser, demographic data for at least one subscriber to said publication; obtaining form said at least one advertiser, a first advertisement for placement n said publication, and which is selected at least in part using said demographic data for said at least one subscriber; obtaining a first offering price to place said first advertisement in said publication . . . placing in said publication, at least one of said first and second advertisements, for the advertiser offering the greater price of said first and second prices."

Dedrick (col. 13, ll. 53-63; and col. 13, ll. 5-52) discloses: *"a credit model which credits the end user's account each time the user views a unit of information."*

Dedrick (col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: *"The apparatus then charges a fee to the advertiser, based on the comparison by the matching process."*

Dedrick lacks an explicit recitation of the "obtaining a second offering price to place said second advertisement in said publication. . . ." even though Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention to that the disclosure of Dedrick (col. 1, ll. 63-67; col. 2, ll. 1-10; col. 13, ll. 53-63; and col. 13, ll. 5-52) would have been selected in accordance with "obtaining a second offering price to place said second advertisement in said publication. . . ." because such selection would have provided broad means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)) and would have provided *"A method and apparatus for providing electronic advertisements to end users in consumer best-fit pricing manner. . . ."* (see Dedrick (col. 1, ll. 63-65)).

As per claims 28-35, Dedrick shows the method of claim 27.

Dedrick (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; FIG. 7b; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 1, ll. 7-67; col. 2, ll. 1-20; col. 2, ll. 45-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-17; col. 12, ll. 66-67; col. 13, ll. 1-12; col. 13, ll. 63-67; col. 14, ll. 1-13; col. 15, ll. 4-14; col. 15, ll. 46-64; col. 16, ll. 19-67; col. 17, ll. 1-35; col. 17, ll. 55-67; col. 18, ll. 1-10; and col. 18, ll. 34-64; and whole document) shows elements that suggest the elements and limitations of claims 28-35.

Dedrick lacks an explicit recitation of some of the elements and limitations of claims 28-35 even though Dedrick suggests same.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 28-35 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *"electronic advertisers to target specific audiences which they believe would be most receptive to their advertisements. . . ."* (see Dedrick (col. 1, ll. 50-57)).

Independent claim 36 is rejected for substantially the same reasons as independent claim 10.

Independent claim 37 is rejected for substantially the same reasons as independent claim 13.

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young
Patent Examiner

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